

## II. Remarks

Reconsideration and re-examination of this application, in view of the above amendments and the following remarks, is herein respectfully requested.

After entering this amendment, claims 1-7, 9, 10, 12-31 remain pending. Claims 13, 18, and 20 are amended.

### ***Allowable Subject Matter***

The Applicants acknowledge the Examiner's indication that Claims 1-17 are allowed. Notwithstanding the foregoing, the Applicants have amended Claim 13 to further clarify and more specifically claim the subject matter that the Applicants consider to be the invention. More specifically, the Applicants have amended steps a) and d) of the process disclosed in Claim 13 to reflect that the raw materials described in step a) are the materials that are dewatered and calcined in step d). Support for this amendment can be found in paragraph [0019] of the specification. No new matter has been added in making this amendment. Accordingly, the Applicants believe that Claim 13 as amended is allowable for the above stated reason and respectfully request that this amended claim be reconsidered and allowed.

### ***Claim Rejections – 35 U.S.C § 102***

Pending Claims 18, 19, 22-24, 26, 27, and 29-31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,407,459 to Breault et al. (“Breault”). Applicants respectfully traverse this rejection.

Responsive to this rejection, the cited reference, alone or in combination, fails to teach each and every element of the claimed invention as recited in the claims of the present application as filed. The sintered calcium aluminates described in Breault does not meet the properties of porosity as claimed by the Applicants in the current invention. In addition, Breault fails to teach the addition of water along with either an expanding agent, a foaming agent, or a foam to the raw materials in order to enhance the formation of porosity. In the present invention, the use of water along with an expanding agent, a foaming agent or raw material mixture represents one method of producing porosity into a raw material that subsequently is fired and broken up to provide the desired grain size after cooling [0027]. The pellets or granules in the Applicants' invention are shown in grain form to have a porosity of 5 to 70% by volume, in particular from 20 to 60% by volume [0024].

The Applicants have amended Claim 18 to clarify both the level of porosity and the composition of the materials that comprise the covering agent of the present invention. More specifically, the applicants have amended Claim 18 to clarify that water and an expanding agent, a foaming agent, or foam is added to the raw materials. Support for this amendment is found in paragraph [0027]. In addition, the Applicants have amended Claim 18 to specify that the porosity of the resulting material is between 5-70% by volume. Support for this amendment is provided in paragraph [0024], as well as in Claims 1 and 13. No new matter was added in making the amendments.

The Applicants believe that independent Claim 18 as amended is allowable for the reasons cited above. Since dependent Claims 19, 22-24, 26, 27, and 29-31 depend directly or indirectly from amended Claim 18, it is submitted that these

claims are allowable for at least the same reasons as amended Claim 18. Favorable reconsideration of amended Claim 18, as well as its dependent Claims 19, 22-24, 26, 27, and 29-31 is respectfully requested.

Pending Claims 18-21, 30, and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,440,575 to Daussan et al. ("Daussan"). Applicants respectfully traverse this rejection.

Responsive to this rejection, the cited reference, alone or in combination, fails to teach each and every element of the claimed invention as recited in the claims of the present application as filed. The method of producing the granular heat insulating product described in Daussan does not provide a material that meets the properties of porosity as claimed by the Applicants in the current invention. In Daussan, the method of producing a granular material includes drying the granules to less than 2% moisture content (col. 4. lines 1-4 and col. 5. lines 15-20). Since this drying step does not remove all of the retained water, it is not the same or substantially similar to the firing step disclosed by the Applicants in which the expanded or foamed mixture is heated such that it is burnt [0027].

In addition, Daussan fails to teach the addition of water along with an expanding agent, a foaming agent, or foam to the raw materials in order to enhance the formation of porosity. Rather in Daussan, the water is used to wet the surface of rice husk ash grains in order to improve flowability, e.g., roll on one another (col. 5, lines 14-16). No expanding agent, foaming agent or foam is disclosed in Daussan as recited in Claim 18 of the present invention.

As previously described above, the Applicants have amended Claim 18 to clarify both the level of porosity and the composition of the materials that comprise

the covering agent of the present invention. The Applicants have also amended Claim 20 to indicate that the addition of organic combustibles to the raw materials enhances the level of porosity. Support for this amendment is found in paragraphs [0020] and [0021]. No new matter was added in making the amendments.

Accordingly, the Applicants believe that independent Claim 18 as amended is allowable for the reasons cited above. Since dependent Claims 19-21, 30, and 31 depend directly from amended Claim 18, it is submitted that these claims are allowable for at least the same reasons as amended Claim 18. Favorable reconsideration of amended Claim 18, as well as its dependent Claims 19-21, 30, and 31 is respectfully requested.

#### ***Claim Rejections – 35 U.S.C § 103***

Pending Claims 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Daussan. Applicants respectfully traverse this rejection. As previously described above with respect to Claim 18, Daussan does not disclose the invention substantially as claimed by the Applicants. The Applicants believe that independent Claim 18 as amended is allowable for the reasons cited above.

Since dependent Claims 25 depends directly from independent Claim 18, it is submitted that this claim is allowable for at least the same reasons as amended Claim 18. Favorable reconsideration of dependent Claim 25 is respectfully requested.

Pending Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Breault. Applicants respectfully traverse this rejection. As

previously described above with respect to Claim 18, Breault does not disclose the invention substantially as claimed by the Applicants. The Applicants believe that independent Claim 18 as amended is allowable for the reasons cited above.

Since dependent Claims 28 depends directly from independent Claim 18, it is submitted that this claim is allowable for at least the same reasons as amended Claim 18. Favorable reconsideration of dependent Claim 28 is respectfully requested.

### ***Conclusion***

Since the amendments made to the claims are well supported by the original claims and specification, the amendments do not represent the addition of any new matter.

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims is patentably distinguishable over the art of record and this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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Date

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